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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES  
INTERNATIONAL UNION, *et al.*,

Plaintiffs,

v.

SAL ROSSELLI, *et al.*,

Defendants.

CASE NO. 09-CV-0404 WHA (MEJ)

**STIPULATION AND ~~PROPOSED~~  
ORDER RESOLVING PLAINTIFFS'  
REQUEST REGARDING 17 BOXES  
RETURNED TO PLAINTIFFS**

Judge: Hon. William H. Alsup  
Trial Date: March 22, 2010  
Time: 7:30 a.m.  
Courtroom: 9

1 **STIPULATION**

2 IT IS HEREBY STIPULATED by and between the undersigned counsel for all parties, that  
3 they have agreed to the following resolution of the plaintiffs' emergency request filed on March 15,  
4 2010, regarding the return of 17 boxes containing UHW property, including but not limited to  
5 bargaining and grievance files ("the 17 boxes"), without the need for an evidentiary hearing:

6 1. The Court will put the 17 boxes on the table in the courtroom and explain at an  
7 appropriate point in the trial to the jury that the law firm representing the former UHW officer and  
8 employee defendants informed counsel for the plaintiffs for the first time on March 14, 2010, that  
9 the firm had come into possession of 17 boxes of UHW materials. The firm then made the boxes  
10 available to counsel for the plaintiffs on the following day. The Court will instruct the jury that it  
11 may consider these as facts in deciding the case.

12 2. Counsel for the plaintiffs and/or counsel for the former UHW officer and employee  
13 defendants may elicit testimony from the former UHW officer and employee defendants as to their  
14 knowledge of the return of the materials in the 17 boxes. Counsel for any party can present  
15 evidence as to the contents of the boxes without limitation.

16 3. Under no circumstances may counsel for any party elicit testimony from any  
17 witness, including but not limited to UHW and/or NUHW members, members of the law firm of  
18 Siegel & Yee, or investigators, concerning the investigation and/or other circumstances  
19 that led to the return of the 17 boxes.

20 **IT IS SO STIPULATED.**

21 Dated: March 18, 2010

22 ALTSHULER BERZON LLP  
23 BREDHOFF & KAISER, PLLC  
24 JAMES & HOFFMAN, P.C.  
25 ROTHNER, SEGALL, GREENSTONE & LEHENY

26 By: /s/ Jeffrey B. Demain  
27 Jeffrey B. Demain

28 Attorneys for Plaintiffs

1 Dated: March 18, 2010.

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6 By: /s/ Dan Siegel  
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8 Dated: March 18, 2010.

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11 By: /s/ Diane Sidd-Champion  
Diane Sidd-Champion

13 Dated: March 18, 2010.

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16 By: /s/ Kathleen Cahill Slaughter  
Kathleen Cahill Slaughter

Attorneys for Defendants

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: March 19, 2010.

HON. WILLIAM H. ALSUP  
UNITED STATES DISTRICT COURT

